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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

UNITED STATES OF AMERICA, Plaintiff, v. **MIRANDA-Ibarra, Marco Antonio** Defendant,	Magistrate Docket No. '07 MJ 2495 Case No. ________ CLERK, U.S. DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA BY: DEPUTY COMPLAINT FOR VIOLATION OF: **Title 8 USC, Section 1326** Deported Alien Found in the United States (Felony)

The undersigned complainant, being duly sworn, states:

On or about October 17, 2007, within the Southern District of California, Defendant Marco Antonio MIRANDA-Ibarra, an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

Michael Haynes

Special Agent Michael Haynes
U.S. Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS ~~17th~~ 18th DAY OF OCTOBER, 2007.

WMcCurine Jr

Hon. William McCurine, Jr.
U.S. Magistrate Judge

STATEMENT OF FACTS

Marco Antonio MIRANDA-Ibarra came to the author's attention pursuant to the author's duties with U.S. Immigration & Customs Enforcement (ICE). The author determined that MIRANDA had been deported from the United States to Mexico and that he may have subsequently returned to the United States unlawfully.

A review of MIRANDA's alien file revealed documentation that he had been ordered deported or removed by an immigration judge on April 23, 2002, during deportation proceedings. He was subsequently removed from the United States to Mexico through the port at Calexico, California, on April 29, 2002. Documentation within his alien file further indicates that MIRANDA is a citizen of Mexico, born June 28, 1972, in Mexicali, Mexico. The author found no indication within his alien file that MIRANDA had applied for or received permission to lawfully return to the United States after his deportation.

On the evening of October 17, 2007, at approximately 6:00 p.m., the author was accompanied to 3073 Charwood Court, Spring Valley, California, by ICE Special Agents Willever and Bateman. The author believed that, had MIRANDA returned to the United States, he might be residing at this residence. Within several minutes of arriving at this location, MIRANDA was seen driving into the parking lot of the residence and exiting a vehicle. The author recognized him from photographs taken in preparation for his deportation from the United States. He was arrested in the parking lot of his residence and transported to the federal building in San Diego, California.

At the San Diego federal building, MIRANDA's fingerprints were queried through the IAFIS system. This query resulted in a match to MIRANDA's immigration history and also provided a photograph and fingerprints taken from him by U.S. immigration officers in preparation for his deportation.

At approximately 7:45 p.m. on the evening of October 17, 2007, the author read to MIRANDA his constitutional rights. He indicated that he understood his rights and further agreed to answer the author's questions at that time. During the interview that followed, MIRANDA claimed to be a citizen of Mexico, born June 28, 1972, in Mexicali, Mexico. He further admitted to having been deported from the United States previously and to having achieved reentry to the U.S. in either 2004 or 2005, during hours of darkness, by passing under the U.S./Mexico international border fence in a mountainous area on the California border. He denied having applied for permission to lawfully return to the United States after his deportation.

A review of records maintained by the U.S. Department of Homeland Security yields no indication that MIRANDA has applied for or received permission to reapply for admission to the United States after deportation.

Michael Haynes

William McCurine Jr.

WILLIAM McCURINE, JR.
U.S. MAGISTRATE JUDGE